

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.Nos.40572 to 40575 of 2016

K.Subramani ...Petitioner in W.P.No.40572/2016  
M.Madhu ...Petitioner in W.P.No.40573/2016  
J.Srinivasan ...Petitioner in W.P.No.40574/2016  
R.Nagarajan ...Petitioner in W.P.No.40575/2016

Vs.

1. The Management of Tamil Nadu State  
Transport Corporation (Kovai) Ltd.,  
Kovai Division,  
Rep. by its Managing Director,  
Mettupalayam Road,  
Coimbatore - 641 043
2. The Management of Tamil Nadu State  
Transport Corporation (Kovai) Ltd.,  
Erode Region,  
rep. by its General manager,  
Chennai Road,  
Erode- 638 001. ... Respondents 1 & 2 in  
W.Ps.40572 to 40575 of 2016
3. The Administrator,  
Tamil Nadu State Transport  
Employees' Pension Fund Trust,  
Thiruvalluvar Illam,  
Anna Salai,  
Chennai - 600 002. ... 3<sup>rd</sup> Respondents in  
W.Ps .40572 & 40575 /  
2016

Prayer in W.P.40572 of 2016 : Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to pay to the petitioner a sum of Rs.6,48,571/- towards gratuity calculating the D.A at the rate of 125% from 01.01.2016 to 31.03.2016, Rs.1,57,588/- towards

leave salary, the remaining arrears of salary payable pursuant to the new wage settlement dated 13.04.2015, the amount towards commuted value of pension and the P.F amount payable to the petitioner together with interest at the rate of 18% per annum.

Prayer in W.P.40573 of 2016 : Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to pay to the petitioner a sum of Rs.6,46,780/- towards gratuity calculating the D.A at the rate of 80% from 01.01.2013 to 31.05.2013 and Rs.2,61,732/- towards leave salary together with interest at the rate of 18% per annum.

Prayer in W.P.40574 of 2016 : Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to pay to the petitioner a sum of Rs.5,14,805/- towards gratuity calculating the D.A at the rate of 107% from 01.07.2014 to 31.07.2014, Rs.1,54,203/- towards leave salary and arrears of salary for the period from 01.09.2013 to 31.07.2014 payable pursuant to new wage settlement dated 13.04.2015 together with interest at the rate of 18% per annum.

Prayer in W.P.40575 of 2016 : Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to pay to the petitioner a sum of Rs.6,11,204/- towards gratuity, Rs.68,514/- towards leave salary, the remaining arrears of salary payable pursuant to the new wage settlement dated 13.04.2015, the amount towards commuted value of pension and the P.F. Amount payable to the petitioner together with interest at the rate of 18% per annum.

For Petitioner in all W.Ps : Mr.K. Elango  
For Respondents in all W.Ps : Mr.P.Kannan Kumar

सत्यमेव जयते

#### COMMON ORDER

By consent, both the writ petitions are taken up for final disposal. Since the issue involved in all these petitions is related to each other, they are disposed of by a common order.

2. The writ petitions have been filed seeking Mandamus directing the respondents to settle the retirement benefits, due to the petitioners, with interest, within the time that may be stipulated by this Court.

3. The petitioners are the retired employees of the respondent Corporation and they were not paid the retirement

benefits due to them, fully. Hence, the petitioners made representation to the respondents requesting to pay all the retirement benefits. But, the same have not been considered so far. Hence, left with no other alternative, the petitioners have come up with the present writ petitions for the relief set out earlier.

4.I have heard the learned counsel appearing for the petitioners and the learned counsel who takes notice for the respondents.

5.The issue involved in the present writ petitions is squarely covered by the judgment of the Division Bench of the Madurai Bench of this Court dated 12.6.2015 made in W.A.(MD) Nos.383 to 457 of 2015 (K.Rajendran & Others vs. The Tamil Nadu State Transport Corporation (Madurai) Limited, rep. by its Managing Director, Madurai and others).

6.Following the said judgment, without going into the merits of the matter, the respondents are directed to disburse the aforementioned retiral benefits to the petitioner herein, in twelve equal monthly instalments, in the light of the common judgment passed by this Court in W.A.(MD) Nos.383 to 457 of 2015 (K.Rajendran & Others vs. The Tamil Nadu State Transport Corporation (Madurai) Limited, rep. by its Managing Director, Madurai and others), dated 12.06.2015. It is also made clear that the first instalment shall commence from 01.02.2017.

7.With the above direction, the present writ petitions are disposed of. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Managing Director,  
Management of Tamil Nadu State  
Transport Corporation (Kovai) Ltd.,  
Kovai Division,  
Mettupalayam Road,  
Coimbatore - 641 043

2. The General manager,  
Management of Tamil Nadu State  
Transport Corporation (Kovai) Ltd.,  
Erode Region,  
Chennai Road,  
Erode- 638 001.

3. The Administrator,  
Tamil Nadu State Transport  
Employees' Pension Fund Trust,  
Thiruvalluvar Illam,  
Anna Salai,  
Chennai - 600 002.

+4cc to Mr.K. Elango, Advocate, S.R.No.66782

+2cc to Mr.P. Kannan Kumar, Advocate, S.R.No.67889

nm(CO)

md(08/12/2016)

W.P.Nos. 40572 to 40575 of 2016

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